

FILED
JUL 28 2017
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

RONNELL A. GREGORY,

Petitioner,

v.

Civil Action No. 3:16CV830-HEH

HAROLD CLARKE,

Respondent.

MEMORANDUM OPINION
(Denying Rule 59(e) Motion)

By Memorandum Opinion and Order entered on May 3, 2017, the Court dismissed Ronnell A. Gregory's petition for a writ of mandamus for lack of jurisdiction. *Gregory v. Clarke*, No. 3:16CV830–HEH, 2017 WL 1754763, at *3 (E.D. Va. May 3, 2017). On May 24, 2017, the Court received from Gregory a motion seeking relief under Fed. R. Civ. P. 59(e) ("Rule 59(e) Motion," ECF No. 23).


“[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (internal quotation marks omitted). The United States Court of Appeals for the Fourth Circuit recognizes three grounds for relief under Rule 59(e): “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v.*

Koppers Co., 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)).

Gregory fails to demonstrate any basis for granting relief under Rule 59(e). Rather, Gregory asserts that the Court “should grant leave freely to amend a complaint.” (Rule 59(e) Mot. 1 (citation omitted).) Gregory also argues that the Court should hold his Petition for a Writ of Mandamus “to less strict standards than a complaint drafted by a lawyer.” (*Id.*) However, nothing in Gregory’s Rule 59(e) Motion leads the Court to reconsider its conclusion that it lacks jurisdiction over Gregory’s Petition for a Writ of Mandamus. Accordingly, Gregory’s Rule 59(e) Motion (ECF No. 23) will be denied.

An appropriate Order will accompany this Memorandum Opinion.

Date: July 27, 2017
Richmond, Virginia

 /s/

HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE